CLOSED

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA   :

        :   Crim.

v.   :   ~~Mag.~~ No. 09-706(FSH)

        :

        :

STEPHEN WILKES   :

MOTION TO WITHDRAW
MOTION FOR STAY PENDING APPEAL

Appellant, Stephen Wilkes, through undersigned counsel, respectfully moves to withdraw his Motion for Stay Pending Appeal. In support of this Motion to Withdraw, counsel for Stephen Wilkes, Andrea D. Bergman, Assistant Federal Public Defender, states as follows.

(1)   On February 12, 2009, Mr. Wilkes pleaded guilty to one count of possession of ecstasy in violation of 21 U.S.C. § 844(a). On September 17, 2009, U.S. Magistrate Judge Anthony Mautone, sentenced Mr. Wilkes to 5 months of imprisonment.

(2)   At the time of sentencing on September 17, 2009, Judge Mautone denied Mr. Wilkes's motion for voluntarily surrender to the U.S. Marshals.

(3)   At the time of sentencing on September 17, 2009, Judge Mautone denied Mr. Wilkes's order for stay of sentence pending appeal.

(4)   On September 17, 2009, I filed a Motion for Stay Pending Appeal under Magistrate Case number 09-9337(ARM).

(5)   Thereafter, on September 17, 2009, I was advised by Judge Mautone, through his Courtroom Deputy, that the Judge would reconsider the Sentence and release Mr. Wilkes upon

his designation to an in-patient, residential drug treatment program.

(6)   On September 22, 2009, Judge Mautone signed a Order Staying Sentence and

Revoking Bail until Mr. Wilkes could be released to a residential drug treatment program. (See

Attachment #1).

(7)   On September 23, 2009, Mr. Wilkes was released from United States Marshals

custody to an inpatient, residential drug treatment program.

(8)   For the forgoing reasons, Mr. Wilkes withdraws his September 17, 2009 Motion
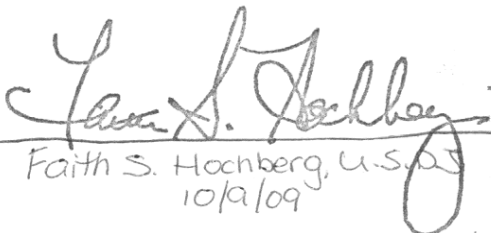
for Stay Pending Appeal.

Respectfully submitted,

/s/ Andrea Bergman

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Attorney for Defendant
Stephen Wilkes

SO ORDERED.

Faith S. Hochberg, U.S.D.J
10/9/09